



427.057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
CHABRIERE DE LASSAUNIERE et al : Group: 1626
Serial No.: 10/089,993 :
Filed: April 4, 2002 : R. Gerstl
For: DERIVATIVES...MEDICAMENTS :

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475 Park Avenue South
New York, N.Y. 10016
October 8, 2003

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the office action of June 13, 2003, Applicants request
reconsideration of the application in view of the remarks presented herein.

The Examiner has required a three-way restriction requirement between claims 1
to 15 drawn to a method, claims 16 to 18 drawn to the composition and claims 19 and 20
drawn to compounds. The Examiner is of the opinion that restriction is proper on the
basis that they can be practiced with different compounds because of the scope of the
claims. The Examiner has further required an election of species.

Applicants respectfully traverse this ground of rejection and ask the Examiner to
modify the restriction requirement and to combine claims 16 and 18 therewith since they
are of the same scope and they are drawn to a composition and method of treating the
same conditions and therefore, the search is the same and they are properly examined

together. Applicants do not traverse the restriction requirement with respect to claims 19 and 20 and reserve the right to file a divisional application directed thereto.

With respect to the election of species, it is deemed that all of the species are properly examined together and Applicants elect with traverse the species of Example 11. However, it is requested that all the species falling under the allowed claims be allowed therewith.

Since the first office action was merely a restriction requirement, Applicants request a prompt examination on the merits.

Respectfully submitted,
Muserlian, Lucas and Mercanti



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CAM:ds
Enclosure